

data network,

wherein said mobile station is [capable of being] initially camped on either said wireless voice network or said wireless data network.

Remarks

I     INTRODUCTION:

Claims 1-16 and 21 are pending in the above-identified application. In view of the above amendment and the following remarks, it is respectfully submitted that all pending claims are allowable. No new matter has been added.

II     THE REJECTION OF CLAIMS 12 AND 13 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, SHOULD BE WITHDRAWN

Claims 12 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. It is respectfully submitted that this rejection should be withdrawn in view of the following remarks.

The Examiner states that in claims 12 and 13 the phrase "capable of" renders the scope of the claim vague and indefinite. Claims 12 and 13 have both been amended to more clearly point out and distinctly claim the subject matter.

Accordingly, it is respectfully submitted that the rejection of claims 12 and 13 under 35 U.S.C. § 112, second paragraph, has been overcome.

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### III THE CLAIMS ARE PATENTABLE OVER THE CITED REFERENCES

Claims 1-16 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by World Office Patent No. 95/26113 to Hays ("the Hays patent"). It is respectfully submitted that these rejections should be withdrawn in view of the following remarks.

In order for a claim to be anticipated under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claim in exactly the same way. Lindeman Machinenfabrik v. Am. Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

Recited in each independent claim of the present invention is a limitation relating to the presence of more than one network. Independent claim 1 recites "In a communication system comprising a first over the air network and a second over the air network wherein a mobile station is capable of being coupled to either one of the first and second networks, . . ." Independent claim 12 recites "In a wireless communication system comprising a wireless voice network and a wireless data network, . . ." Independent claim 13 recites "In a wireless communication system comprising a wireless voice network and a wireless data network, . . ." Independent claim 14 recites "A communication system for permitting communication requests to follow a mobile station that can only be coupled to one network at a time after it changes networks, . . ." Independent claim 21 recites "In a wireless communication system, a method for enabling a single mobile station to communicate via multiple wireless networks . . ."

In contrast with the independent claims of the present invention, the Hays patent does not disclose, teach nor suggest the presence of more than one communications network. Rather, throughout the Hays patent only one single telecommunications system is

disclosed. That is, telecommunications system 10 is disclosed to communicate solely between a calling device 12 and a mobile unit 19 through the use of switching offices 14 and 16 and transmitters 18 and 30. See the Hays patent, Page 3, lines 5-10, and Page 5, lines 2-8. Indeed, the Hays patent in fact teaches away from using multiple networks. As background the Hays patent discusses the disadvantages of systems being designed to handle both voice and data transmissions on a single network, and it is these disadvantages that the Hays patent is directed to overcoming. See the Hays patent, Description of Related Art from Page 1, line 31, to Page 2, line 31, and Summary of the Invention from Page 3, line 29, to Page 4, line 3.

Thus, for at least this reason, it is respectfully submitted that independent claims 1, 12, 13, 14 and 21 are not anticipated by the Hays patent. Because independent claims 1, 12, 13, 14 and 21 are patentable over the Hays patent, it stands that claims 2-11, which are dependent from claim 1, and claims 15-16, which are dependent from claim 14, are likewise patentable over the Hays patent. Accordingly, it is respectfully submitted that the rejection of claims 1-16 and 21 under § 102 should be withdrawn.

In addition, for at least another reason, independent claims 1, 12, 13, 14 and 21 are patentable over the cited reference. Independent claims 1, 14 and 21 each recite the limitations of storing both an address and a registration identifier of the mobile station. Independent claims 12 and 13, meanwhile, recite the limitation of storing an address of the mobile station. Further, claims 1, 12, 13 and 21 recite using the stored address to send an alert to the mobile station via the alternate communication network, while in claim 14, the limitation recited uses both the stored address and

registration identifier to send the alert.

The Hays patent, on the other hand, does not disclose storing either an address or a registration identifier of the mobile station and does not disclose using that stored address and/or registration identifier to send an alert. In the Office Action the Examiner attempts to equate storage of the address and the registration identifier to the Hays patent storage of the data message itself in memory, and further attempts to equate utilizing the stored address and/or registration identifier to send an alert to the Hays patent retrieval and display of the stored data message. However, it is respectfully submitted that the Examiner's analysis's are incorrect. To begin with, the address and registration identifier of the present invention cannot be equated to the data message of the Hays patent. The data message of the Hays patent is the message itself being sent by the subscriber to the mobile unit, while the address and registration identifier of the present invention simply serve to identify the proper mobile station. Furthermore, the address and/or registration identifier of the present invention are utilized to appropriately address and direct alert messages over the alternate network. The data message stored in memory by the Hays patent does not serve this function.

Again, because independent claims 1, 12, 13, 14 and 21 are patentable over the Hays patent, it stands that claims 2-11, which are dependent from claim 1, and claims 15-16, which are dependent from claim 14, are likewise patentable over the Hays patent.

Accordingly, for at least the foregoing reasons, it is respectfully submitted that the Examiner's rejection of claims 1-16 and 21 as being anticipated by the Hays patent has been overcome.

IV      CONCLUSION:

It is therefore respectfully submitted that claims 1-16 and 21 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

The Examiner is invited to contact the undersigned attorney if such communication is believed to be helpful in advancing the examination of the present application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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